

REC'D TN
REGULATORY AUTH.



BellSouth Telecommunications, Inc.
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Guy M. Hicks
General Counsel

OFFICE OF THE
EXECUTIVE SECRETARY

March 1, 1999

Mr. David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

Re: Approval of the Amendment to Resale Agreement Negotiated by BellSouth Telecommunications, Inc. and Quick-Tel Communications, Inc. Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.
Docket No. 98-00787

99-00143

Dear Mr. Waddell:

Pursuant to Section 252(e) of the Telecommunications Act of 1996, Quick-Tel Communications, Inc. and BellSouth Telecommunications, Inc. are hereby submitting to the Tennessee Regulatory Authority the original and thirteen copies of the attached Petition for Approval of the Amendment to the Resale Agreement dated February 3, 1998. The Amendment provides for the reuse of facilities.

Sincerely yours,

QUICK-TEL COMMUNICATIONS, INC.

BELLSOUTH TELECOMMUNICATIONS, INC.

BY: _____

Shirley Moran
456 West Rock Island
Boyd, TX 76023
President/CEO for Quick-Tel

BY: _____

Guy M. Hicks
333 Commerce Street, Suite 2101
Nashville, TN 37201-3300
Attorney for BellSouth



BellSouth Telecommunications, Inc.
Suite 2101
333 Commerce Street
Nashville, Tennessee 37201-3300
615 214-5300
Fax 615 214-7306

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Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

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BELLSOUTH TELECOMMUNICATIONS, INC.

BY:

Shirley Moran
456 West Rock Island
Boyd, TX 76023
President/CEO for Quick-Tel

BY:

Guy M. Hicks
333 Commerce Street, Suite 2101
Nashville, TN 37201-3300
Attorney for BellSouth

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In re: *Approval of Amendment to the Resale Agreement Negotiated by BellSouth Telecommunications, Inc. and Quick-Tel Communications, Inc. Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996*

Docket No. ~~98-00787~~

99-00143

**PETITION FOR APPROVAL OF AMENDMENT TO THE RESALE AGREEMENT
NEGOTIATED BETWEEN BELL SOUTH TELECOMMUNICATIONS, INC.
AND QUICK-TEL COMMUNICATIONS, INC.
PURSUANT TO THE TELECOMMUNICATIONS ACT OF 1996**

COME NOW, Quick-Tel Communications, Inc. ("Quick-Tel") and BellSouth Telecommunications, Inc., ("BellSouth"), and file this request for approval of the Amendment to the Resale Agreement dated February 3, 1998 (the "Amendment") negotiated between the two companies pursuant to Sections 251 and 252 of the Telecommunications Act of 1996, (the "Act"). In support of their request, Quick-Tel and BellSouth state the following:

1. Quick-Tel and BellSouth have successfully negotiated an agreement providing for the resale of BellSouth's telecommunications services to Quick-Tel and Amendment to the Resale Agreement. The Resale Agreement was approved by the Tennessee Regulatory Authority ("TRA") on December 15, 1998.

2. The parties have also recently negotiated an amendment to the Resale Agreement which provides for the reuse of facilities. A copy of the Amendment is attached hereto and incorporated herein by reference.

3. Pursuant to Section 252(e) of the Telecommunications Act of 1996, Quick-Tel and BellSouth are submitting their Amendment to the TRA for its consideration and approval.

4. In accordance with Section 252(e) of the Act, the TRA is charged with approving or rejecting the negotiated Amendment between Quick-Tel and BellSouth within 90 days of its submission. The Act provides that the TRA may only reject such an agreement if it finds that the agreement or any portion of the agreement discriminates against a telecommunications carrier not

a party to the agreement or the implementation of the agreement or any portion of the agreement is not consistent with the public interest, convenience and necessity.

5. Quick-Tel and BellSouth aver that the Amendment is consistent with the standards for approval.

6. Pursuant to Section 252(i) of the Act, BellSouth shall make the Agreement available upon the same terms and conditions contained therein.

Quick-Tel and BellSouth respectfully request that the TRA approve the Amendment negotiated between the parties.

This 1st day of March, 1999.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

By: 

Guy M. Hicks
333 Commerce Street
Suite 2101
Nashville, TN 37201-3300
615/214-6301
Attorney for BellSouth

QUICK-TEL COMMUNICATIONS, INC.

By: _____

Shirley Moran
456 West Rock Island
Boyd, TX 76023
President/CEO for Quick-Tel

a party to the agreement or the implementation of the agreement or any portion of the agreement is not consistent with the public interest, convenience and necessity.

5. Quick-Tel and BellSouth aver that the Amendment is consistent with the standards for approval.

6. Pursuant to Section 252(i) of the Act, BellSouth shall make the Agreement available upon the same terms and conditions contained therein.

Quick-Tel and BellSouth respectfully request that the FRA approve the Amendment negotiated between the parties.

This 1 day of March, 1999.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

By: _____
Guy M. Hicks
333 Commerce Street
Suite 2101
Nashville, TN 37201-3300
615/214-6301
Attorney for BellSouth

QUICK-TEL COMMUNICATIONS, INC.

By: Shirley Moran
Shirley Moran
456 West Rock Island
Boyd, TX 76023
President/CEO for Quick-Tel

AMENDMENT TO
RESALE AGREEMENT BETWEEN
BELLSOUTH TELECOMMUNICATIONS, INC.
AND QUICK-TEL COMMUNICATIONS, INC.
DATED FEBRUARY 3, 1998

Pursuant to this Agreement (the "Amendment"), BellSouth Telecommunications, Inc. ("BellSouth or Company") and Quick-Tel Communications, Inc. ("Quick-Tel") hereinafter referred to collectively as the "Parties" hereby agree to amend that certain Resale Agreement between the Parties dated February 3, 1998 ("Resale Agreement").

NOW THEREFORE, in consideration of the mutual provisions contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, BellSouth and Quick-Tel hereby covenant and agree as follows:

1. The parties hereby agree that Section VIII.A of the Resale Agreement is amended by inserting the following sentence as Subsection 6 at the end of Section VIII.A

BellSouth may disconnect and reuse facilities when the facility is in a denied state and BellSouth has received an order to establish new service or transfer of service from a customer or a customer's CLEC at the same address served by the denied facility.

2. The Parties agree that all of the other provisions of the Resale Agreement, dated February 3, 1998, shall remain in full force and effect.
3. The Parties further agree that either or both of the Parties is authorized to submit this Amendment to the appropriate Commission or other regulatory body having jurisdiction over the subject matter of this Amendment, for approval subject to Section 252(e) of the Federal Telecommunications Act of 1996.

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to be executed by their respective duly authorized representatives on the date indicated below

BELLSOUTH TELECOMMUNICATIONS, INC.

By: _____

Jerry D. Hendrix - Director

QUICK-TEL COMMUNICATIONS, INC.

By: _____

Shirley Moran

DATE: _____

10/13/98

DATE: _____

12-16-98